

AN ORDINANCE adding Sec. 1-7.5 to
Chapter 1 of the Code of Laws of the
City of Fort Wayne, Indiana.

WHEREAS, in 1991, the Indiana State Legislature
provided for a municipality's adoption of an ordinance
providing that certain other ordinances to be enforced
through a proceeding before an administrative body of
that municipality; and

WHEREAS, prior to this date, the Code of Laws
of the City of Fort Wayne has been enforced only through
court proceedings or the Violations Bureau; and

WHEREAS, the use of administrative proceedings
will expedite the enforcement process in environmental
actions dealing with protection of the land, air, or
water and actions governing the use of a public way

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Sec. 1-7.5 be added to Chapter
1 of the Code of Laws of the City of Fort Wayne, Indiana.

ADMINISTRATIVE ENFORCEMENT

Sec. 1-7.5

(a) Pursuant to Indiana Code 36-1-6-9, the Board of
Public Works of the City of Fort Wayne, Indiana, is
authorized to act as the appropriate administrative
body to hold and conduct proceedings to enforce
ordinances restricting or prohibiting actions
harmful to the land, air or water, or ordinances
which govern the use of the public way.

(b) The following ordinances may be enforced under this
section:

1. Chapter 24 of the Code of Laws of the City of Fort
Wayne, Articles I through Iv.


(c) A violation of the ordinance must be proven by a
preponderance of the evidence. The Board of Public
Works may not impose any penalty other than a fine

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not to exceed the limits set forth in Indiana Code
36-1-3-8(10).

(d) Any person receiving a penalty under paragraph (c)
above may appeal the Board of Public Works' order
to a court of record in Allen County not more than
sixty (60) days after the date on which said order
was entered by the Board of Public Works.

SECTION 2. That this Ordinance shall be in
full force and effect from and after its passage and any
and all necessary approval by the Mayor.


Council Member

APPROVED AS TO FORM
AND LEGALITY


J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Edmonds,
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, the _____ day of
_____, 19_____, at _____ o'clock
_____, M., E.S.T.

DATED: 6-23-92 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds,
and duly adopted, placed on its passage. PASSED ~~LOSS~~
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 7-14-92 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____
(SPECIAL) _____ (ZONING) _____ ORDINANCE RESOLUTION NO. D-36-92
on the 14th day of July, 1992

ATTEST: (SEAL)
Sandra E. Kennedy Thomas E. Henry
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 15th day of July, 1992,
at the hour of 11:00 o'clock 7, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of July,
1992, at the hour of 1:30 o'clock 9 M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

Reg.

DIGEST SHEET

TITLE OF ORDINANCE GENERAL

DEPARTMENT REQUESTING ORDINANCE LAW DEPARTMENT

SYNOPSIS OF ORDINANCE PERMITS ADMINISTRATIVE ENFORCEMENT OF CERTAIN ORDINANCES.

G-92-06-24

EFFECT OF PASSAGE ENVIRONMENTAL ORDINANCES PROTECTING WATER COULD BE ENFORCED ADMINISTRATIVELY BY BOARD OF PUBLIC WORKS.

EFFECT OF NON-PASSAGE ALL ACTIONS WOULD STILL GO THROUGH COURT.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. G-92-06-24

REPORT OF THE COMMITTEE ON
REGULATIONS

CLETUS R. EDMONDS, CHAIR
MARK E. GIAQUINTA, VICE CHAIR
RAVINE, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) adding Sec. 1-7.5 to
Chapter 1 of the Code of Laws of the City of Fort Wayne,
Indiana

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

C. R. Edmonds

Rebecca Ravine

Mark E. Giaquinta

DATED: 7-14-92

Sandra E. Kennedy
City Clerk